

550 Rubin Dr.

City of El Paso — Plan Commission — 4/4/2019



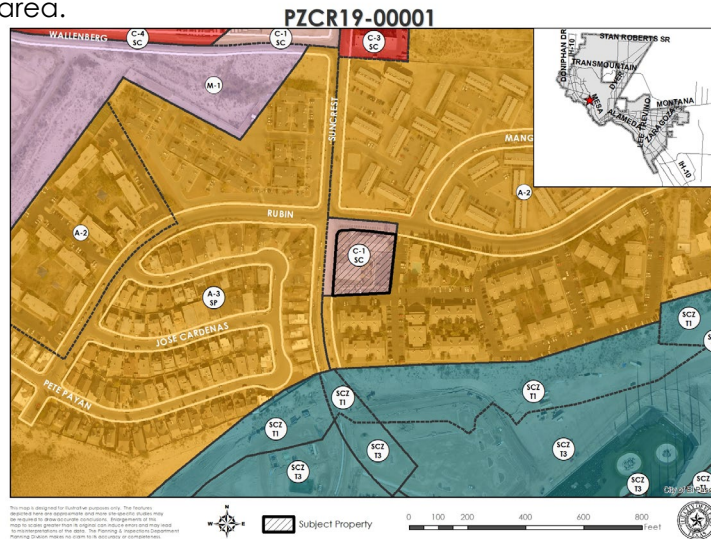
PZCR19-00001

Condition Release

STAFF CONTACT:	Santiago Vallejo, 915-212-1561, vallejos@elpasotexas.gov
OWNERS:	Young Women's Christian Association El Paso Del Norte Region
REPRESENTATIVE:	Sylvia Y. Acosta
LOCATION:	550 Rubin Drive., District 8
LEGAL DESCRIPTION:	A portion of land containing .9073 acres more or less, out of Lot 1, Block 2, Rubin Heights Subdivision, a Subdivision to the City of El Paso, El Paso County, Texas, .91 acres
EXISTING ZONING:	C-1/sc (Commercial/special contract)
REQUEST:	To release all conditions imposed by Ordinance No. 8366 dated October 16, 1985
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Planning has received one call for information about the zoning condition release request; Notices sent to property owners within 300 feet on March 13, 2019.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to release all conditions imposed on the subject property by Ordinance No. 8366 dated on October 16, 1985.

SUMMARY OF RECOMMENDATION: The Development Coordinating Committee and Planning Division recommend **APPROVAL** of the Condition Release request of all conditions by Ordinance No. 8366 dated on October 16, 1985. Staff finds that the conditions have been met, are no longer applicable, and that the proposed development has no adverse effect on the safety and general welfare of the subject property's established neighborhood and the City as a whole. The proposed development as depicted is consistent with development in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-4, Suburban (walkable) land use designation of Plan El Paso, in the Northwest Planning area.



DESCRIPTION OF REQUEST

The applicant has submitted a Condition Release to release all conditions imposed by Ordinance No. 8366 dated on October 16, 1985 for the property located at 550 Rubin Dr. The subject property is currently required to comply with the special contract provisions imposed by such ordinance, which states in part:

1. To remove certain objections to such rezoning, First Party and Second Parties covenant that if the property is rezoned from A-2 (Apartment) to C-1 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, the property can only be used as a commercial daycare center.
2. This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.
3. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject of this contract.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-4 Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes, the lot sits within the Northwest Plan Area of Plan El Paso the purpose of this project is to maximize the potential of the subject property, which is proposes to introduce new commercial use
ZONING DISTRICT	DOES IT COMPLY?
C-1 (Commercial). As a Neighborhood Commercial District, the purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities	Yes, the applicant would like to lease the building to a permissible business entity (retail) within the C-1 (Commercial) District.
POLICY	DOES IT COMPLY?
1.3.1 Most neighborhoods, even new ones, would benefit from a greater variety of activities within walking and bicycling distance. For instance, a greater number of smaller parks are preferable to a few larger ones that are accessible only to those with a private vehicle. Likewise, smaller schools often become the centerpiece of their neighborhoods rather than distant facilities to which most students must be driven or bused each day.	Yes, the applicant is proposing development that will provide the existing neighborhood with a new retail use within walking distance.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot is .9073 acres in size. The proposed development site proposes the redevelopment of an existing parcel, adding additional uses, and the potential for new employment. The property is capable of supporting the proposed development and meeting all dimensional requirements

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The purpose of the C-1 (Commercial) District is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

The G-4, Suburban (walkable) sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: From the intersection of Suncrest Drive and Rubin Drive along Suncrest Drive fronting the subject Property, there is an existing eight (8) inch diameter water main. This main is available for service.

Along Rubin Drive between Suncrest Drive and Carrousel Drive there is an existing eight (8) inch diameter water main. This main is available for service.

EFFECT UPON THE NATURAL ENVIRONMENT: No negative impact is anticipated as the subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Mesa Hills Neighborhood Association which has been contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 13, 2019. Planning has received one call of inquiry for the requested condition release.

STAFF COMMENTS: No objections to proposed zoning condition release. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: N/A

CITY PLAN COMMISSION OPTIONS:

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

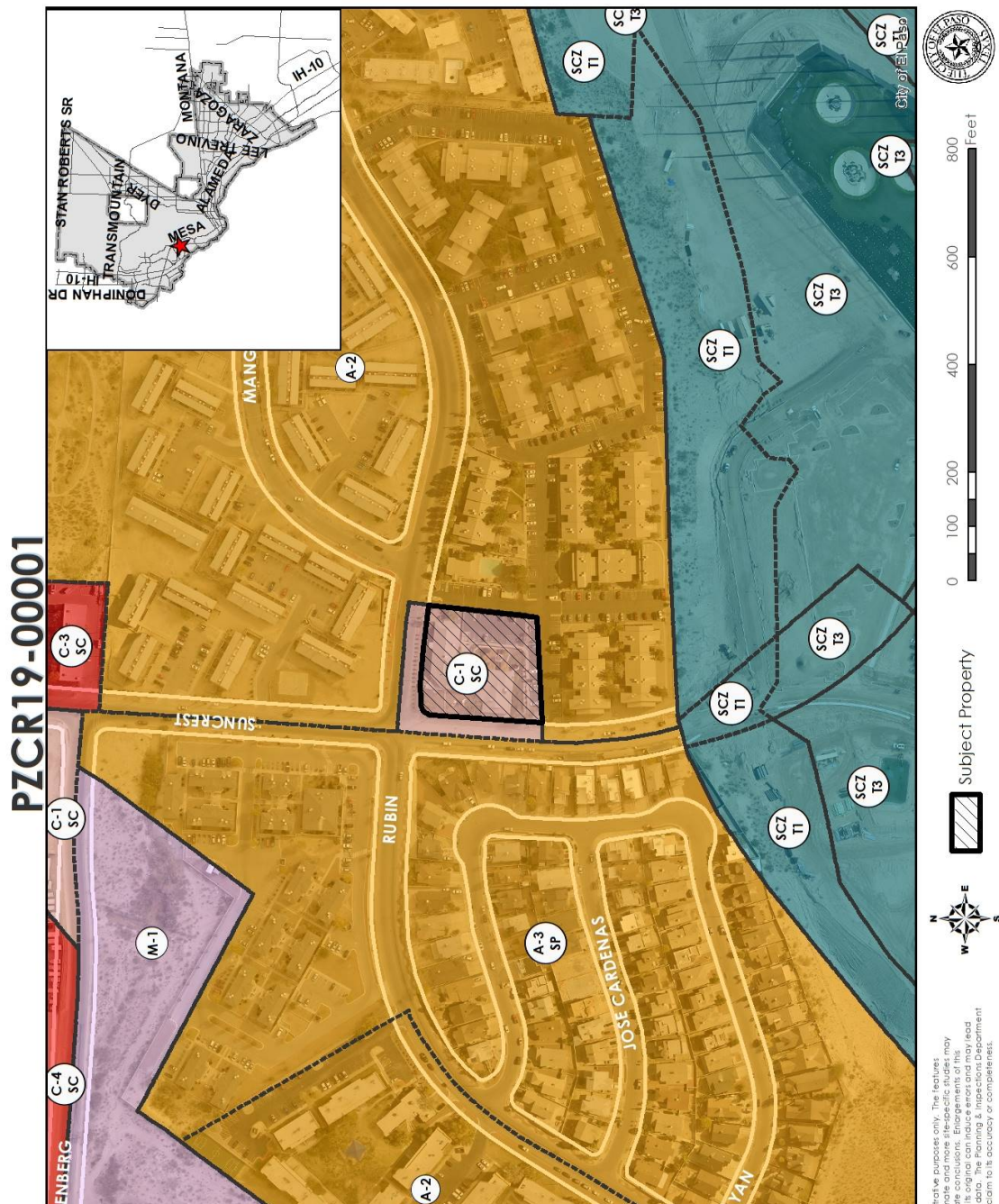
1. Recommend Approval of the rezoning request, finding that the request is in conformance with the review criteria of Plan El Paso as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (**Staff Recommendation**)
2. Recommend Approval of the rezoning request With Modifications to bring the request into conformance with the review criteria of Plan El Paso as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. Recommend denial of the rezoning request, finding that the request does not conform to the review criteria of Plan El Paso as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Detailed Site Development Plan
2. Zoning Map
3. Future Land Use Map
4. Ordinance No. 8366 dated October 16, 1985
5. Department Comments
6. Public Notification Boundary Map

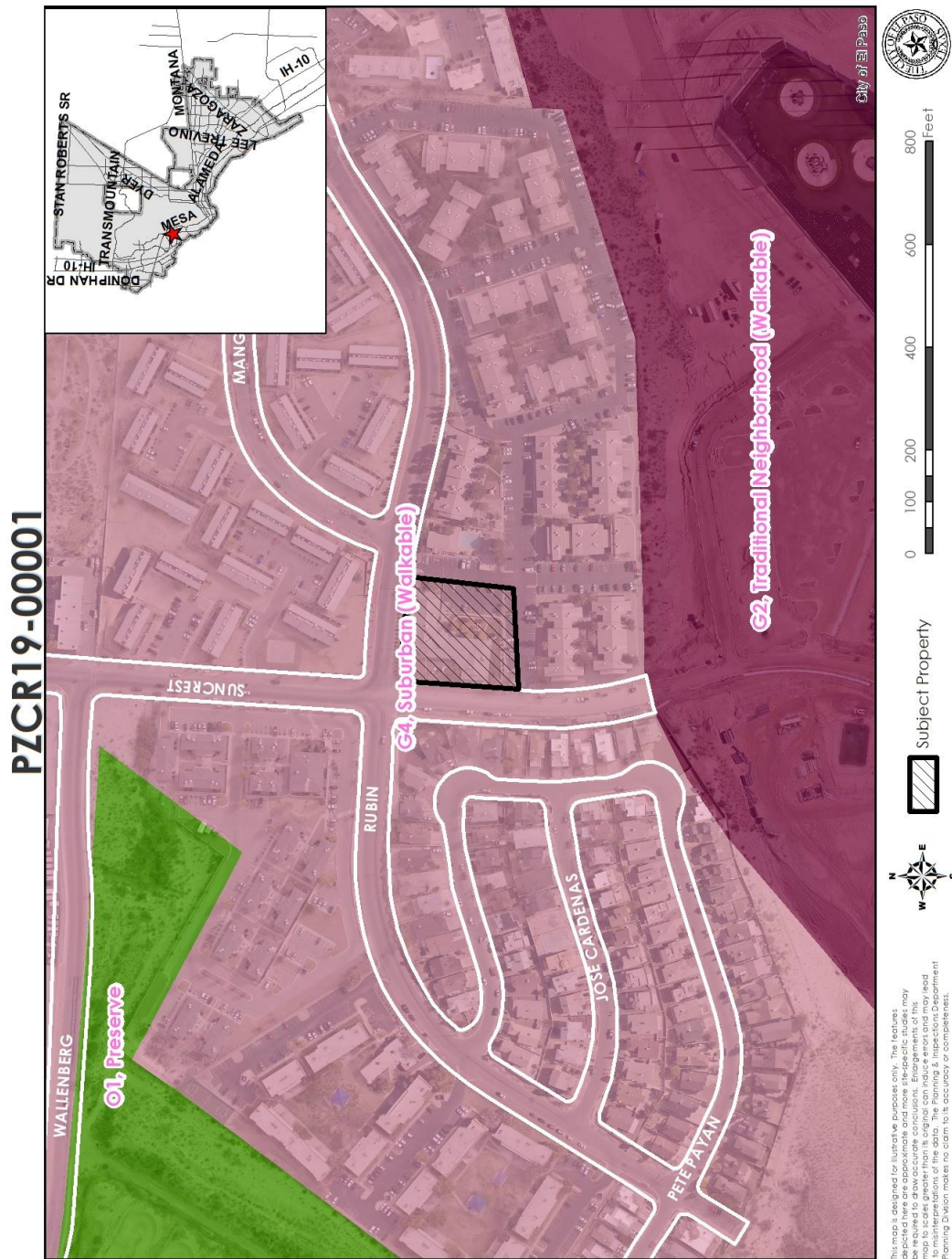
ATTACHMENT 2

Zoning Map



ATTACHMENT 3

Future Land Use Map



ATTACHMENT 4

Ordinance No. 8366

Dated on October 16, 1985

8366

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF LOT 1, BLOCK 2,
RUBIN HEIGHTS ADDITION UNIT 1,
THE PENALTY BEING AS PROVIDED IN
SECTION 25-96 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Lot 1, Block 2, Rubin Heights Addition Unit 1, as more particularly described by metes and bounds below, be changed from A-2 (Apartment) to C-1 (Commercial) District within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

Being a portion of Lot 1, Block 2, Rubin Heights Addition Unit 1, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds as follows:

COMMENCING for reference at a City monument at the centerline intersection of Suncrest Drive (700.00 feet wide) and Rubin Drive (70.00 feet wide);

THENCE, along the centerline of said Rubin Drive, South 89°12'47" East, a distance of 55.00 feet to a point;

THENCE, leaving said centerline, South 00°47'13" West, a distance of 35.00 feet to a point on the south right-of-way line of said Rubin Drive and POINT OF BEGINNING for the herein described tract;

THENCE, along the south right-of-way line of said Rubin Drive the following two (2) courses:

South 89°12'47" East, a distance of 107.44 feet to the beginning of a curve to the right;

Along the arc of said curve (Delta Angle = 06°53'41", Radius = 854.45 feet, Chord = South 85°45'56" East, 102.76 feet) a distance of 102.81 feet to a point for corner;

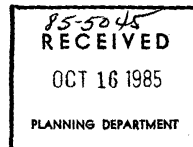
THENCE, leaving said south right-of-way line, South 03°34'36" West, a distance of 187.27 feet to a point for corner;

THENCE, South 85°04'36" West, a distance of 222.00 feet to a point for corner in the easterly right-of-way line of said Suncrest Drive;

THENCE, along the easterly line of said Suncrest Line the following two (2) courses:

North 00°47'13" East, a distance of 195.32 feet to the beginning of a curve to the right;

8366
Contract (5/28/85)



Along the arc of said curve (Delta Angle = 90°00'00",
Radius = 20.00 feet, Chord = North 45°47'13" East, 28.28
feet) a distance of 31.42 feet to the POINT OF BEGINNING and
containing 1.05 acres of land.

PASSED AND APPROVED this 28th day of May, 1985.

Patrick J. Haggerty
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

John B. Bond
Assistant City Attorney

APPROVED AS TO CONTENT:

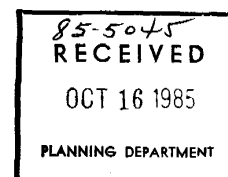
Raul Gonzalez
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
10-21-85 COUNTER
10-21-85 ORIGINAL
10-21-85 Bldg Inspection
10-21-85 CONTROL Raul Gonzalez

I certify that the zoning map has been revised to

amendment of ordinance #8366
Raul Gonzalez Date 10-21-85

8366



4 copies

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 28th day of May,
1985, by and between FIRST WESTERN FINANCIAL CORPORATION, First Party,
R.D. BAILEY, BETTY M. BAILEY, DON LEE WARD, SUNNYE C. WARD and JAMES
SHELTON, Second Parties, and the CITY OF EL PASO, Third Party,
witnesseth:

Application has been made to the City of El Paso for rezoning a
PORTION OF LOT 1, BLOCK 2, RUBIN HEIGHTS ADDITION UNIT 1, City and
County of El Paso, Texas which are more particularly described by
metes and bounds below.

Being a portion of Lot 1, Block 2, Rubin Heights Addition Unit 1,
City of El Paso, El Paso County, Texas, and being more fully
described by metes and bounds as follows:

COMMENCING for reference at a City monument at the centerline
intersection of Suncrest Drive (700.00 feet wide) and Rubin Drive
(70.00 feet wide);

THENCE, along the centerline of said Rubin Drive, South 89°12'47"
East, a distance of 55.00 feet to a point;

THENCE, leaving said centerline, South 00°47'13" West, a distance
of 35.00 feet to a point on the south right-of-way line of said
Rubin Drive and POINT OF BEGINNING for the herein described
tract;

THENCE, along the south right-of-way line of said Rubin Drive the
following two (2) courses:

South 89°12'47" East, a distance of 107.44 feet to the
beginning of a curve to the right;

Along the arc of said curve (Delta Angle = 06°53'41",
Radius = 854.45 feet, Chord = South 85°45'56" East, 102.76
feet) a distance of 102.81 feet to a point for corner;

THENCE, leaving said south right-of-way line, South 03°34'36"
West, a distance of 187.27 feet to a point for corner;

THENCE, South 85°04'36" West, a distance of 222.00 feet to a
point for corner in the easterly right-of-way line of said
Suncrest Drive;

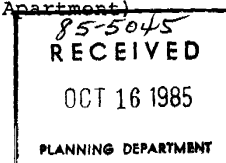
THENCE, along the easterly line of said Suncrest Line the
following two (2) courses:

North 00°47'13" East, a distance of 195.32 feet to the
beginning of a curve to the right;

Along the arc of said curve (Delta Angle = 90°00'00",
Radius = 20.00 feet, Chord = North 45°47'13" East, 28.28
feet) a distance of 31.42 feet to the POINT OF BEGINNING and
containing 1.05 acres of land.

To remove certain objections to such rezoning, First Party and Second
Parties covenant that if the property is rezoned from A-2 (Apartment)

Ord. 8366



to C-1 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, the property can only be used as a commercial daycare center.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

FIRST WESTERN FINANCIAL CORPORATION
First Party

By

Title President

ATTEST:

Secretary

SECOND PARTIES

R.D. Bailey
R.D. BAILEY

Betty M. Bailey
BETTY M. BAILEY

Don Lee Ward
DON LEE WARD

Sunnye C. Ward
SUNNYE C. WARD

James Shelton
JAMES SHELTON

Ord. 8366

2

85-5045
RECEIVED

OCT 16 1985

PLANNING DEPARTMENT

THE CITY OF EL PASO
Second Party

By Patricia B. Hogg
Mayor Pro-Tem

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO CONTENT:

Ray Delgado
Planning Department

APPROVED AS TO FORM:

John R. ...
Assistant City Attorney

THE STATE OF NEW MEXICO)
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on this 8th day
of July, 1985, by Howard T. Van Relt,
representative for FIRST WESTERN FINANCIAL CORPORATION.

Wanda ...
Notary Public, State of NEW MEXICO

My Commission Expires:

12/5/88

OKLAHOMA
THE STATE OF TEXAS)
COUNTY OF OKLAHOMA)
~~EL PASO~~

This instrument was acknowledged before me on this 26th day of
August, 1985, by R.D. BAILEY and BETTY M. BAILEY.

Priscilla Cebulsky
Notary Public, State of ~~Texas~~ Oklahoma

My Commission Expires:

April 18, 1987

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 3rd day of
August, 1985, by DON LEE WARD and SUNNYE C. WARD.

Shirley B. Lockwood
Notary Public, State of Texas

My Commission Expires:

5/12/88

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 4th day of
September, 1985 by JAMES SHELTON.

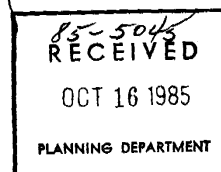
Sally B. Lockwood
Notary Public, State of Texas

My Commission Expires:

5/12/88

Ord. 8366

3



THE STATE OF TEXAS)
COUNTY OF EL PASO)

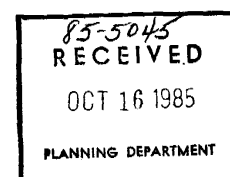
This instrument was acknowledged before me on this 25th day
of May, 1985, by Patrick B. Haggerty, as Mayor Pro-Tem
of the City of El Paso.

Maria Angeles
Notary Public, State of Texas

My Commission Expires:

10/21/87

Ord. 8366



RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO

That the Mayor be authorized to sign a contract with FIRST WESTERN FINANCIAL CORP. as First Party, and R.D. BAILEY, BETTY M. BAILEY, DON LEE WARD, SUNNYE C. WARD, and JAMES SHELTON as Second Parties, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 8366, and more particularly known as a portion of Lot 1, Block 2, Rubin Heights Addition Unit 1 (Southeast corner of Rubin Drive and Suncrest Drive).

ADOPTED this 28th day of May, 1985.

Patrick B. Hagerty
Mayor

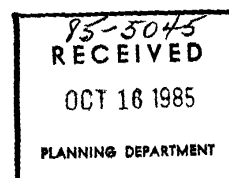
ATTEST:

Barbara Hunter
City Clerk

APPROVED AS TO FORM:

John R. Baker
Assistant City Attorney

Contract (dated 5/28/85)



ATTACHMENT 5

Department Comments

Planning

Recommend approval.

Land Development

No comments received.

Fire

Recommend approval.

Sun Metro

No objections. Recommend approval.

BPI

Landscaping

TXDOT

No objections.

Water

EPWater does not object to this request.

Water

From the intersection of Suncrest Drive and Rubin Drive along Suncrest Drive fronting the subject Property, there is an existing eight (8) inch diameter water main. This main is available for service.

Along Rubin Drive between Suncrest Drive and Carrousel Drive there is an existing eight (8) inch diameter water main. This main is available for service.

Previous water pressure readings conducted on fire hydrant number 3802 located at the northwest corner of Rubin Drive and Mangrum Circle have yielded a static pressure of 88 pounds per square inch (psi), residual pressure of 70 psi, discharge of 1,061 gallons per minute (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

From the intersection of Suncrest Drive and Rubin Drive along Suncrest Drive fronting the subject Property, there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

Along Rubin Drive between Suncrest Drive and Carrousel Drive there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

General

As per EPWater Records 550 Rubin Drive has a single two (2) inch diameter water service.

Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPW - Stormwater Engineering

We have no objections to the proposed request. However, if the property is redeveloped, we recommend applying principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed storm water runoff and to mitigate adverse downstream drainage conditions.

ATTACHMENT 6

Notification Map

